

To: Eloise Gore, Associate Bureau Chief, Enforcement Bureau;

Comment was sought on whether the full Commission should make changes to current broadcast indecency policies or maintain them in light of the most recent rulings by the elderly ruling oligarch in the United States.

Sir Lord Most Honorable John Paul Stevens wrote the ruling on *Pacifica* quoted below in 1978 when only fifty-eight. Eighteen years later Sir Lord Most Honorable John Paul Stevens invented or coined the term [sic] “internet” as the disguise for simultaneous wire and radio communications in *ACLU v Reno*, (96-511). Sir Lord Most Honorable John Paul Stevens invented or coined the term [sic] “internet” as a seventy-seven year old senior citizen due to failing to read or properly apply the 47 USC §153 definition of wire communications clearly written in his native tongue.

“Of all forms of communication, broadcasting has the most limited First Amendment protection. Among the reasons for specially treating indecent broadcasting is the uniquely pervasive presence that medium of expression occupies in the lives of our people. Broadcasts extend into the privacy of the home, and it is impossible completely to avoid those that are patently offensive. Broadcasting, moreover, is uniquely accessible to children. Pp. 438 U. S. 747-750 ...”

“The First Amendment does not prohibit all governmental regulation that depends on the content of speech. *Schenck v. United States*, 249 U. S. 47, 249 U. S. 52. The content of respondent's broadcast, which was "vulgar," "offensive," and "shocking," is not entitled to absolute constitutional protection in all contexts; it is therefore necessary to evaluate the FCC's action in light of the content of that broadcast. Pp. 438 U. S. 744-748...”

“We conclude, therefore, that 326 does not limit the Commission's authority to impose sanctions on licensees who engage in obscene, indecent, or profane broadcasting. The words "obscene, indecent, or profane" are written in the disjunctive, implying that each has a separate meaning. Prurient appeal is an element of the obscene, but the normal definition of "indecent" merely refers to non-conformance with accepted standards of morality...”

The FCC is accused of malfeasance and still shows malfeasance with regard to regulation of interstate and world-wide wire communications used in commerce. The FCC was created specifically to regulate ALL wire communications by 47 USC §151 or the Communications Act of 1934.

*Neeley Jr v FCC*, (5:12-cv-5208) was dismissed by elderly Sir Lord Most Honorable Jimm Larry Hendren fifty-three days after declaring senior status, while also invalidating 47 USC §605 two years after invalidating 17 USC §106A in *Neeley v NameMedia Inc, et al*, (5:09-cv-5151) perhaps because this ruling was called a demonstration of senility of mental defect by Mr Neeley on December 9, 2010.

The malfeasance of the FCC is compounded by ignoring 47 USC §151, 47 USC §605, as well as numerous sections of 18 USC Chapter 71 – titled “OBSCENITY”. These follow for educational purposes and to display the obvious and annoy if nothing else.

#### **18 USC § 1464 - Broadcasting obscene language**

Whoever utters any obscene, indecent, or profane language by means of radio communication shall be fined under this title or imprisoned not more than two years, or both.

#### **18 USC § 1462 - Importation or transportation of obscene matters**

Whoever brings into the United States, or any place subject to the jurisdiction thereof, or knowingly uses any express company or other common carrier or interactive computer service (as defined in section 230(e)(2) of the Communications Act of 1934), for carriage in interstate or foreign commerce—

#### **18 USC § 1470 - Transfer of obscene material to minors**

Whoever, using the mail or any facility or means of interstate or foreign commerce, knowingly transfers obscene matter to another individual who has not attained the age of 16 years, knowing that such other individual has not attained the age of 16 years, or attempts to do so, shall be fined under this title, imprisoned not more than 10 years, or both.

#### **47 USC § 151 - Purposes of chapter; Federal Communications Commission created**

For the purpose of regulating interstate and foreign commerce in communication by [sic]“internet” so as to make available, so far as possible, to all the people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex, a rapid, efficient, Nation-wide, and world-wide [sic]“internet” communication service with adequate facilities at reasonable charges, for the purpose of the national defense, for the purpose of promoting safety of life and property through the use of [sic]“internet” communications, and for the purpose of securing a more effective execution of this policy by centralizing authority heretofore granted by law to several agencies and by granting additional authority with respect to interstate and foreign commerce in [sic]“internet” communication, there is created a commission to be known as the “Federal Communications Commission”, which shall be constituted as hereinafter provided, and which shall execute and enforce the provisions of this chapter. \*<sup>1</sup>

#### **47 USC § 605 - Unauthorized publication or use of communications**

##### **“(a) Practices prohibited**

Except as authorized by chapter 119, title 18, no person receiving, assisting in receiving, transmitting, or assisting in transmitting, any interstate or foreign communication by wire or radio shall divulge or publish the existence, contents, substance, purport, effect, or meaning thereof, except through authorized channels of transmission or reception, ...”<sup>\*2</sup>

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1 FCC commissioners, [sic] “internet” is substituted four times for “wire and radio”.

2 The statute does not authorize publication to anonymous persons who might be minors and deals with only radio.

These statutes are ignored simply because of the undefinable singular term [sic] “internet” used for the international common-carrier wire communications using the protocol where time-based modulation replaces voltage modulation of electrical signals like could be done in FM radio to make [sic] “internet” communications as common and as free as commercial FM radio stations are today. Every FM radio station could also distribute common-carrier wire communications using the common carrier protocol where time-based modulation allows concurrent usage for analog FM radio as well.

Analog and Broadband ISP broadcasting of FM stations would require additional FM transceivers operating much like cell-phone towers exist today to provide for data back haul. This is the future and before this can be allowed the [sic] “internet” must be made SAFE. Frequency is no longer as limited a resource as it was in the last century but this does not invalidate *Pacifica*. There are limits geographically for efficient use of spectrum without interference.

Rather than stretching out to find some ancillary jurisdiction for common-carrier wire communications, -the FCC should simply consider the statute as written before the mistake made by a seventy-seven year old senior citizen failing to read the clear definition for wire communications that also includes ALL mobile phones and follows.

#### **47 USC § 153 - Definitions**

##### **(59) Wire communication**

The term “wire communication” or “communication by wire” means the transmission of writing, signs, signals, pictures, and sounds of all kinds by aid of wire, cable, or other like connection between the points of origin and reception of such transmission, including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of communications) incidental to such transmission.

#### **47 USC § 153 - Definitions**

##### **(59) Wire communication <sup>3</sup>**

The term “wire communication” or “communication by wire” means the transmission of writing, signs, signals, pictures, email, websites, and sounds of all kinds by aid of wire, cable, or other like connection between the points of origin and reception of such transmission, including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of iPhone or other mobile wireless or Wi-Fi broadband communications) incidental to such transmission.

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<sup>3</sup> Second definition is made more clear to benefit aging judges and commissioners.

Since these comments were requested for BROADCAST regulations the following definitions are VERY relevant and are VERY ignored.

**Broadcasting**<sup>4</sup> is a telecommunication term which is used for, transmission of signals to multiple receivers. In broadcasting, one signal is transmitted to many receivers or all receivers in the network domain

broad·cast or broad·cast·ed, broad·cast·ing, noun, adjective, adverb

**verb (used with object)**

1. to transmit (programs) from a radio or television station.
2. to speak, perform, sponsor, or present on a radio or television program: The President will broadcast his message on all stations tonight.
3. to cast or scatter abroad over an area, as seed in sowing.
4. to spread widely; disseminate: She broadcast the good news all over town.
5. to indicate unwittingly to another (one's next action); telegraph: He broadcast his punch and the other man was able to parry it.

**verb (used without object)**

6. to transmit programs or signals from a radio or television station.
7. to make something known widely; disseminate something.
8. to speak, perform, sponsor, or present all or part of a radio or television program: The Boston Symphony Orchestra broadcasts every Saturday on our local station.

**noun**

9. something that is broadcast.
10. a single radio or television program.
11. the broadcasting of radio or television messages, speeches, etc.
12. a single period of broadcasting.
13. a method of sowing by scattering seed.

**adjective**

14. (of programs) transmitted from a radio or television station.
15. of or pertaining to broadcasting.
16. cast abroad or all over an area, as seed scattered widely.

**adverb**

17. so as to reach the greatest number of people by radio or television: The vital news was sent broadcast to inform the entire nation.
18. so as to be cast abroad over an area: seed sown broadcast.

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4 broadcast. (n.d.). *Dictionary.com Unabridged*. Retrieved April 09, 2013, from Dictionary.com website: <http://dictionary.reference.com/browse/broadcast>

*Neeley Jr v FCC, et al*, (5:12-cv-5208) will not be allowed to resolve simply because Curtis J Neeley Jr did not seek fiscal damages from the FCC. Sir Lord Honorable Jimm Larry Hendren may not still today recognize the [sic] “internet” as simply communications by wire due to the cultural error of seventy-seven year old Sir Lord Most Honorable John Paul Stevens in *ACLU v Reno*, (96-511) calling simultaneous usage of the wire and radio mediums to be “unique and wholly new medium of worldwide human communication” as could not be any more a demonstrations of a cultural error than Susan B Anthony being fined \$100 by SCOTUS for voting while female in 1872.

*Neeley Jr v FCC, et al*, (5:12-cv-5208)(13-1506) is now on appeal to the Eighth Circuit and Curtis J Neeley Jr will seek fiscal damages from the FCC commissioners that are provided for statutorily in 47 USC §605 and as are about \$100,000 per image shown to anonymous minors or allowed to be done though violating the manner authorized for display for a total of about seven million.

This “comment” is also BROADCAST by common-carrier wire communications and can be found as follows. [http://open.salon.com/blog/curtisneeley/2013/04/09/fcc\\_ra\\_13-86](http://open.salon.com/blog/curtisneeley/2013/04/09/fcc_ra_13-86)

Sincerely,  
./s/ Curtis J Neeley Jr  
Curtis J Neeley Jr

2619 N Quality Ln  
Suite 123  
Fayetteville, AR 72703-5523